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# PRELIMINARY DRAFT

## No. 3200

PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2013 GENERAL ASSEMBLY

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### DIGEST

**Citations Affected:** IC 29-3-9-6.

**Synopsis:** Guardianships. Specifies that the court shall conduct a hearing on each verified account filed on a guardianship. Specifies to whom the court shall give notice of the hearing. Authorizes the appointment of a guardian ad litem to review the accounting if: (1) the protected person does not have a spouse, an adult child, or a parent; or (2) the same individual served as the guardian of the protected person before the protected person's death and is the personal representative of the protected person's estate.

**Effective:** July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 29-3-9-6 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Unless otherwise directed by  
the court, a guardian (other than a temporary guardian) shall file with  
the court:

(1) at least biennially, not more than thirty (30) days after the  
anniversary date of the guardian's appointment; and

(2) not more than thirty (30) days after the termination of the  
appointment;

a written verified account of the guardian's administration.

(b) A temporary guardian shall file with the court, within thirty (30)  
days after the termination of the temporary guardian's appointment, and  
otherwise as ordered by the court, a written verified account of the  
temporary guardian's administration.

(c) A written verified account required under this section must  
include the incapacitated person's or minor's current residence and a  
description of the condition and circumstances of the incapacitated  
person or minor.

(d) **The court shall conduct a hearing on each verified account  
filed under this section. The court shall give notice to each person  
entitled to receive notice that an accounting has been filed and will  
be acted upon by the court on the date set unless written objections  
are presented to the court on or before that date. The court shall  
give the notice of the hearing of each account of a guardianship shall  
be given, required by this subsection, unless waived, to the following:**

(1) The protected person, **unless waived by the court. If notice  
to the protected person is waived, the court shall give notice  
to a person who is not the guardian of the protected person in  
the following priority:**

(A) The protected person's spouse.

(B) An adult child of the protected person.

(C) A parent of the protected person.



1                   **(D) A guardian ad litem appointed by the court under**  
 2                   **subsection (e).**

3                   (2) In the case of a protected person who has died, the personal  
 4                   representative of the estate of the protected person, if any.

5                   (3) Any other persons that the court directs.

6                   **(e) The court may appoint a guardian ad litem to review on**  
 7                   **behalf of a protected person an accounting filed under this section**  
 8                   **if:**

9                   **(1) the protected person does not have a spouse, an adult**  
 10                   **child, or a parent; or**

11                   **(2) the same individual:**

12                   **(A) served as the protected person's guardian before the**  
 13                   **death of the protected person; and**

14                   **(B) is the personal representative of the protected person's**  
 15                   **estate.**

16                   ~~(e)~~ **(f)** When an account other than an account in final settlement is  
 17                   filed, the court may approve the same ex parte, but the account may be  
 18                   reviewed by the court at any subsequent time and does not become  
 19                   final until an account in final settlement is approved by the court after  
 20                   notice and hearing.

21                   ~~(f)~~ **(g)** When notice of hearing has been given under this section, the  
 22                   order of the court approving the intermediate account or the final  
 23                   account is binding upon all persons.

24                   ~~(g)~~ **(h)** When a guardian files with the court proper receipts or other  
 25                   evidence satisfactory to the court showing that the guardian has  
 26                   delivered to the appropriate persons all the property for which the  
 27                   guardian is accountable as guardian, the court shall enter an order of  
 28                   discharge. The order of discharge operates as a release from the duties  
 29                   of the guardian's office that have not yet terminated and operates as a  
 30                   bar to any suit against the guardian and the guardian's sureties, unless  
 31                   the suit is commenced within one (1) year from the date of the  
 32                   discharge.

